IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13185 of 2005

Between:

Asian Security Force, rep by Partner Sri M.V.V. Satyanarayan S/o
M.V.V.Satyanarayan S/o M.V. Ramana Rao
R/o 6-1-315, Venkatapuram Colony, PAdma Rao Nagar, Secunderabad

..... PETITIONER

AND

1 The Divisional Engineer,

Transmission Maintenance, OFC.,

STSR OFC STation, D. NO. 5-1-271, Opp Filter Bed, Collectorate
Road, Adilabad, Adilabad District
2 The General Manager (M.M),

Southern Telecom Sub-Division,

BSNL., (STSR) sai Nilam, II Floor, Saifabad
Opp: telephone Bhavan,, HYderabad
3 The Deputy General Manger (MM),

Southern Telecom Sub-Division,

BSNL., (STSR) Sai Nilayam, II Floor
Saifabad Opp Telephone Bhavan, Hydrabad
4 Smt. B. Padmavathi,

R/o Opp: BSNL. Telephone Exchange havan,

Collector Office Road, Adilabad, Adilabad District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1,2 & 3 in awarding the Tender for providing Services for housekeeping, watch and ward of Microwave/OFC stations and General Maintenance". in pursuance of the Tender Notice LR. No. DE-TM/ADBT-2/2005-06 dt 04-04-2005, Adilabad to the 4th respondents in violation of the provisions of Statutory laws like the Minimum Wages Act 1948, Payments of Bonus Act 1965, the Payment of Gratuity Act 1962 etc., as bad in law and illegal and consequently to direct the respondents 1,2 & 3 to award the contract/tender to those Agencies who have submitted their tenders as per the tender notice dated 04-04-2005 and who have strictly adhered to the provisions of Statutory Laws like the Minimum Wages Act 1948, Payments of Bonus Act 1965, the Payment of Gratuity Act 1962 etc.,

Counsel for the Petitioner: Mr. B.SUDHAKAR REDDY & ASSOCIATES
Counsel for the Respondents No.1 to 3 : Mr. P.BHASKAR MOHAN
Counsel for the Respondent No.4: Mr. S.S.VARMA (SC FOR B.S.N.L)

The Court, at the stage of admission, made the following:

ORDER:

The Writ Petition is filed for declaration that the action of the respondents 1 to 3, in awarding the tender for providing services for house keeping, watch and ward of Microwave/OFC Stations and General Maintenance, pursuant to the tender notice Lr.No.DE-TM/ADMB/T-2/2005-06, dated 04-04-2005, Adilabad, to the 4th respondent in violation of the provisions of statutory laws like the Minimum Wages Act, 1948, Payments of Bonus Act, 1965, The Payment of Gratuity Act, 1962 etc., is bad in law and illegal and consequently to direct the respondents 1 to 3 to award the contract/tender to those Agencies who have submitted their tenders as per the tender notice dated 04-04-2005.

2. The Writ petition is premature and filed on an assumption that the respondents 1to 3 would willy-nilly violate the law. There is no basis for such an apprehension. The petitioner, 4th respondent and others applied, pursuant to a notification to the tender, for the work of providing services for house keeping, watch and ward of Microwave/OFC Stations and General Maintenance and running of BSNL vehicles, a notification issued by the 1st respondent. At the time of opening of the bids of the tenderers, including the petitioner and the 4th respondent, it transpired that the bid of the 4th respondent was the lowest among the bids received.

3. The petitioner alleges that the bid of the 4th respondent does not comply with the tender requirements and apprehends that the respondents 1 to 3 would ignore such infirmities in the bid of the 4th respondent and would nevertheless award the contract to the 4th respondent on the sole criterion that it was the lowest bid.

4. Admittedly, as on date, no contract has been awarded to the 4th respondent nor an agreement entered into between the official respondents and the 4th respondent for the purpose for which the notifications to tender were notified. Mere apprehension is not a ground for issuing a mandamus. As on date, no action has

been taken by the official respondents to grant the contract in favour of the 4th respondent. The Writ Petition is premature.

5. Accordingly, the Writ Petition is dismissed.

_____

(GODA RAGHURAM,J)

7th July, 2005.

Tsy

To

1 The Divisional Engineer,

Transmission Maintenance, OFC.,

STSR OFC STation, D. NO. 5-1-271, Opp Filter Bed, Collectorate Road, Adilabad, Adilabad District

2 The General Manager (M.M),

Southern Telecom Sub-Division,

BSNL., (STSR) sai Nilam, II Floor, Saifabad

Opp: telephone Bhavan,, HYderabad

3 The Deputy General Manger (MM),

Southern Telecom Sub-Division,

BSNL., (STSR) Sai Nilayam, II Floor
Saifabad Opp Telephone Bhavan,

Hyderabad

4 Two CD copies.